

# **Exhibit 2**

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL ) MDL No. 2804  
PRESCRIPTION OPIATE )  
LITIGATION ) Case No.  
 ) 1:17-MD-2804  
 )  
THIS DOCUMENT RELATES TO ) Hon. Dan A.  
ALL CASES ) Polster  
 )

Monday, May 13, 2019

HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
CONFIDENTIALITY REVIEW

Videotaped Deposition of JAMES E.  
RAFALSKI, held at Weitz & Luxenburg PC, 3011  
West Grand Avenue, Suite 2150, Detroit,  
Michigan, commencing at 9:20 a.m., on the  
above date, before Michael E. Miller, Fellow  
of the Academy of Professional Reporters,  
Registered Diplomate Reporter, Certified  
Realtime Reporter and Notary Public.

GOLKOW LITIGATION SERVICES  
877.370.3377 ph | fax 917.591.5672  
deps@golkow.com

1 McKesson decided not to ship any more  
2 controlled substances, that would -- you  
3 know, there would be no diversion, so it's  
4 just a hypothetical that --

5 BY MR. EPPICH:

6 Q. Yes, and you're an expert in  
7 this case, sir.

8 A. I don't have an opinion.

9 Q. So hypothetically, if there is  
10 a suspicious order monitoring program --

11 A. Okay.

12 Q. -- that reports a suspicious  
13 order -- or excuse me, that does not block --  
14 let me strike that.

15 If there is a suspicious order  
16 monitoring program that does not report  
17 suspicious orders but blocks suspicious  
18 orders, that program can be effective in  
19 preventing diversion?

20 A. So the mere act of doing that  
21 is in violation of the regulation, but the  
22 outcome of blocking the order would obviously  
23 keep it from being distributed and it would  
24 not lead to diversion.

25 Q. Blocking the order of the

1       opioid pills before shipment is what prevents  
2       diversion from occurring, correct?

3               A.       Yes, sir.

4                       MR. FULLER:   Form.

5       BY MR. EPPICH:

6               Q.       Not the reporting of the  
7       suspicious order to DEA, correct?

8               A.       But we were discussing the  
9       regulatory requirement, so it's to design and  
10      operate a system to disclose suspicious  
11      orders, and upon disclosure, be reported to  
12      the DEA. Under the maintenance of effective  
13      controls, it's to stop the shipment.

14                      Now, just the mere fact of  
15      stopping a shipment when you've identified it  
16      as a potential suspicious order would prevent  
17      diversion.

18              Q.       My question was a little  
19      different, and so let me rephrase it.

20                      You'd agree that not reporting  
21      the suspicious order to DEA is not what  
22      causes diversion?

23              A.       That's correct.

24                      MR. FULLER:   Object to form.

25                      ///